IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Crl.MC.No. 536 of 2003()

C.C.1119/01 ON THE FILE OF THE JFCM-II, ERNAKULAM

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PETITIONER: PETITIONERS:

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1. LOHITHAKSHAN,
   PRAVARTHIPARAMBIL, KALOOR, ERNAKULAM.

2. DIL, S/O. LOHITHAKSHAN,
   PRAVARTHIPARAMBIL, KALOOR, ERNAKULAM.

3. DINAN ALIAS DIVIN,
   PRAVARTHIPARAMBIL, KALOOR, ERNAKULAM.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENTS: RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. P.R.GOPALAN,
   PRAVARTHIPARAMBIL, KALOOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR
SRI.P.KESAVAN NAIR
SRI.K.G.CLEETUS

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.6.2007, THE COURT ON 27/06/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.M.C. No. 536 OF 2003

Dated this the 27th day of June, 2007

O R D E R

In this petition filed under section 482 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in C.C.No.1119/2001 on the file of the JFCM-II, Ernakulam for offences punishable under sections 447, 379 and 427 read with section 34 IPC, seek to quash the final report and all further proceedings in the above case.

2. The case of the prosecution is that the petitioners, out of their previous enmity towards the 2nd respondent herein, criminally trespassed into the shed of the 2nd respondent and demolished the same and also committed theft of the said shed. According to the petitioners, Annexures-A2 to A5, which are the copies of other judicial proceedings between the parties, will indicate that the charge against the petitioners is false and groundless. That is a matter to be considered by the trial court after evaluating the evidence adduced before it. The charge sheet on the face of it does disclose the commission of the alleged offences and that is sufficient to maintain the charge. The

question as to whether there is proof in support of the accusation that the accused have committed the offences alleged against them is a matter to be considered during the trial of the case. I am not inclined to quash the charge sheet or the resultant proceedings. This Crl.M.C. is without any merit and is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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V. RAMKUMAR, J.

Crl.M.C. No. 536 OF 2003

O R D E R

27th day of June, 2007